THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.17335 OF 2005

Disposed of on 02-09-2005.

Between:

N.Ganesh .. Petitioner

and

The District Collector, Nalgonda and others…..Respondents

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.17335 OF 2005

ORDER:

1. This Writ Petition has been filed by N.Ganesh with a prayer to issue a writ of mandamus declaring the proceedings of the District Collector, Nalgonda in Proc.No.389/04-A1/Pts, dated 16.6.2005 as illegal, arbitrary and malafide.

2. The petitioner was Sarpanch of B.Pochampally Gram Panchayat. Some proceedings have been initiated against the Sarpanch by the District Collector by invoking powers under section 249(1) of A.P.Gram Panchayat Act. Final Orders came to be passed by the 1st respondent on 16.6.2005 removing the petitioner from the post of Sarpanch, B.Pochampally Gram Panchayat. Assailing the order of the 1st respondent-District Collector, the petitioner has filed this writ petition.

3. Learned counsel appearing for the petitioner submits that proceedings have been initiated against the petitioner at the instance of Minister who hails from the District within which B.Pochampally Gram Panchayat falls. A further contention has been made that the Government in earlier review petition made specific observation to take necessary action for the removal of the petitioner from the post of Sarpanch and therefore the petitioner apprehends that he may not get fair hearing in the appeal preferred by him against the impugned order.

4. Learned Government Pleader for Panchayat Raj submits that the petitioner having availed the statutory appeal before the authority and therefore, he cannot be permitted to pursue the writ petition. It is not in dispute that the petitioner has filed an appeal before the Government as provided under section 249(7) of A.P.Gram Panchayat Act. The apprehension of the petitioner is that on an earlier occasion when he questioned the suspension pending enquiry by filing a review, Government made certain observations and thereby he may not get fair deal of the appeal filed by him. I am afraid to accept this contention since that cannot be a valid ground to

bypass the statutory appellate authority. However, I hope and trust that the appellate authority will dispose of the appeal filed by the petitioner uninfluenced by any of the observations recorded in the earlier review petition which the petitioner filed questioning the suspension order. Learned counsel appearing for the petitioner submits that the petitioner has moved an application seeking interim stay of the operation of the proceedings passed by the District Collector in P.R.C. and the said application is pending. Such is the situation, I deem it appropriate to order for continuation of interim order granted by this court earlier in WPMP.No.22066 of 2005 shall continue for a period of two weeks from today so as to enable the petitioner to secure necessary orders on the stay application.

5. With the above observations, this writ petition is disposed of. No costs.

Dated: 02-09-2005. (B.Seshasayana Reddy,J)

Tnb

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